

**SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT**

294984

DATE OF REPORT (DAY-MO.-YEAR)

25 April 2004

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION

☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS

☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME Nelson I. Perez				RANK Sgt.	STAR NO. 1101	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 010
ADDRESS OF INCIDENT 2200 So. California				DATE OF INCIDENT - TIME 08 Jan 2004		BEAT OF INCIDENT 1023		LOCATION CODE* 303
NAME 1. Cunningham, Aaron				RANK P.O.	STAR NO. 15522	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 010
2.								
ACCUSED	SEX/RACE 1. M/2	D.O.B. [REDACTED] 1967	DATE OF APPOINTMENT 29 June 1998		DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE* 01
	2.				<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
	IF APPLICABLE - DATE ARRESTED / INDICTED 1.		CHARGES			COURT BRANCH	DISPOSITION & DATE	
	2.							
COMPLAINANTS	NAME [REDACTED]		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE M/1	D.O.B./AGE [REDACTED] 1976
								PHYS. COND. CODE* 01
VICTIMS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
								PHYS. COND. CODE*
WITNESSES	NAME [REDACTED]		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE M/4	D.O.B./AGE
								PHYS. COND. CODE* 01

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

The complainant alleges that during a traffic stop a male white officer, "Cunningham" stated to the complainant to "Get the fuck out of the car." The complainant alleges that the officer harrassed him and threatened to arrest him everytime he sees him. The complainant further alleges that the officer issued him six false citations. (5) arrested

Traffic Citations: No Insurance Citation Numbers: TD 428 [REDACTED]  
 No Drivers License TD 428 [REDACTED]  
 No Seatbelt TD 428 [REDACTED]  
 Tinted Window TD 428 [REDACTED]  
 No City Sticker TD 428 [REDACTED]  
 Disobey Police TD 428 [REDACTED]

**I.A.D. LOCATION CODES\***

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/ Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

**I.A.D. PHYSICAL CONDITION CODES\***

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

\*\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

CPD-44.112A (1/84)

COMPUTER GENERATED FORM

C.R. NO.

294984

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

R/Sgt was assigned this verbal abuse complaint. In the complaint it was alleged that on 08 Jan 2004, during at traffic stop at 2200 S. California at 20:45 hours complainant was stopped by a male white officer, identified as "Cunningham." Complainant stated that during that traffic stop he was issued (6) false citations and threatened to be arrested everytime he would be seen by said officer.

R/Sgt. entered the date listed in the complaint and discovered that there were no incidents listed for that date, time, and location. After reviewing the complaint against department member. (att #1) The complainant identified the accused officer by "Cunningham." R/Sgt. obtained a CLEAR Personnel report on P.O. Cunningham, Aaron. (att #2) R/Sgt obtained the worksheet for the 21 Dec 2003 (att #3) and observed that officer Aaron Cunningham worked Bt. 1032. As a result, an event history of Bt. 1032 was conducted (att#4a,b,c,d).

R/Sgt. discovered that Bt. 1032 had a traffic stop at 2200 So. California at 2045 hours.(att#5a,b,c) R/Sgt. investigation revealed that a TRR report was generated in regards to this traffic stop. (att#6a,b) On 6 Feb 2004 R/Sgt. served Officer, Aaron Cunningham with proper legal documents (att#7,8,9,10) which he reviewed and signed. The accused submitted a detailed To-From report in which the officer explained the nature of the traffic stop and denied all allegations. (att#11)

SUMMARY

ATTACH-  
MENTS

INVESTIGATIVE REPORTS-  
SUPPORTING ALLEGATION  
LIST ATTACHMENT NUMBERS:

0

INVESTIGATIVE REPORTS-  
SUPPORTING ACCUSED MEMBER(S)  
LIST ATTACHMENT NUMBERS:

6a,b,12,

PHYSICAL EVIDENCE  
LIST ATTACHMENT NUMBERS:

0

TOTAL NUMBER OF ATTACHMENTS  
SUBMITTED WITH THIS FILE:

40

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for ..... days (not to exceed 5 days).

R/Sgt. recommends that on allegation #1 in that the officer verbally abused complainant, to be "Unfounded."

On allegation #2, whereas complainant alleged that the accused officer harrassed him and threatened complainant to arrest him everytime he would see him. R/Sgt. recommends that said allegation be "Unfounded"

On allegation #3 the issuance of false citations. R/Sgt. recommends that it be "Unfounded"

REVIEWED BY

DEC 22 2004

FINDINGS-RECOMMENDATIONS

DATE INITIATED  
(DATE COMPLAINT WAS  
RECEIVED FOR INVESTIGATION)

8 Jan 2004

DATE COMPLETED  
(DATE OF THIS  
REPORT)

25 Apr 2004

ELAPSED TIME  
(TOTAL TIME  
EXPRESSED IN DAYS)

104

Investigator will initiate the Command Channel Review form  
by completing the Investigator's Section.

A detailed witness report was submitted by P.O. A. Hernandez #15785 who was present when the accused officer issued complainant multiple citations and denied hearing any verbally abusive comments towards the complainant. (att#12) R/Sgt submitted a detailed report on his attempts to contact complainant. (att#13,14,15)

On 3 February 2004, R/Sgt. attempted to contact complainant at the number provided and spoke with a male subject who identified himself as [REDACTED]. He stated that [REDACTED] was not at home, R/Sgt. left a message and a contact number for [REDACTED] to call.

On 3 February 2004, sent a registered letter under article number (652411) which was returned back as "unclaimed" (att#16a,b,c,d)

On 3 February 2004 R/Sgt. performed a Soundex report on complainant and discovered a different address other than provided by complainant. (att#17)

On 6 February 2004. R/Sgt again attempted to contact complainant in regards to said CR investigation and spoke with a female subject. She identified herself as [REDACTED]. R/Sgt. asked what relation was she to the complainant, she stated that [REDACTED] was [REDACTED] and that she has not seen him and that he does not live there. She went on to say that she does not know his whereabouts. R/Sgt. left his name and contact number where [REDACTED] could call for an interview.

On 23 February R/Sgt. again contacted number provided by complainant and spoke with [REDACTED] where she again stated that [REDACTED] was not there and that she had not seen him lately. R/Sgt. left contact information for [REDACTED]

On 8 March 2004 R/Sgt. sent a Certified letter under article number [REDACTED] to [REDACTED] and was returned "unclaimed." (att#18a,b,c)

On 8 March 2004 R/Sgt. sent a Certified letter under article number [REDACTED] to [REDACTED] A person other than [REDACTED] signed for the letter. (att# 19a,b,c)

After numerous attempts to contact complainant and his failure to contact complaint investigator. Applying the reasonable man's standard rule. Complainant had the audience of two tiers of management and did not utilize said forum to lodge a complaint. R/Sgt. concludes that the verbal abuse allegations against Officer Aaron Cunningham are "Unfounded"

Complaint Register Number 294984  
Evidence List

Attachment List

Attachment Number

Complaint against Department Member	1
Data Warehouse/Personnel file check by star number	2
3 <sup>rd</sup> Watch Assignment sheet for Thursday 21 Dec 2003	3
Event History Record [REDACTED]	4a,b,c,d
Event History Record [REDACTED]	5a,b,c
Tactical Response Report	6,b
Notification of Charges/Allegations P.O. Aaron Cunningham #15522	7
Administrative Proceeding Rights P.O. Aaron Cunningham #15522	8
Waiver of Counsel/Request to secure Counsel P.O. Aaron Cunningham #15522	9
Notification RE: C.R. Investigation P.O. Aaron Cunningham #15522	10
To/From Subject Report from P.O. Aaron Cunningham #15522	11
To/From Subject Report from P.O. A. Hernandez #15785	12
To/From Subject Report from Sgt. Nelson I. Perez #1450	13
To/From Subject Report from Sgt. Nelson I. Perez #1450	14
To/From Subject Report from Sgt. Nelson I. Perez #1450	15
Registered Letter to Complainant dated 3 Feb 2004	16a,b,c,d
Soundex Report on New Address of Complainant	17
Registered Letter to Complainant dated 01 Mar 2004	18a,b,c,d,e
Registered Letter to Complainant dated 01 Mar 2004	19a,b,c
Signed Certified Letter Receipt	20

Complaint Register  
Number 294984